

De: [redacted] (SPF Santé Publique - FOD Volksgezondheid)
Envoyé: lundi, 6 mars 2023 11:32
À: [redacted]@envcooord.health.fgov.be'
Cc: [redacted]
Objet: GDPC: POP regulation - DA on PFOA and PFOA-related compound - deadline 27/03/2023
Pièces jointes: st06869-ad01.en23.pdf; st06869.en23.pdf

Beste collega's,

The attached draft DA is addressing the following points :

- Annex I to Regulation (EU) 2019/1021 contains an unintentional trace contaminant (UTC) limit for **PFOA and its salts in polytetrafluoroethylene (PTFE) micropowders** of 1 mg/kg, to be reviewed by 5 July 2022. ECHA's opinion concluded that processes have been developed to reduce the concentration of PFOA to a level below the generic UTC limit of 0,025 mg/kg set out in Regulation (EU) 2019/1021. Those processes have been successfully implemented by most polytetrafluoroethylene (PTFE) micropowder manufacturers. The remaining manufacturers would be able to comply with the limit of 0,025 mg/kg by 5 July 2022. Therefore, the current specific UTC limit for PFOA and its salts in PTFE micropowders of 1 mg/kg is no longer needed and should expire at the date of application of this Regulation. In at least one case there is a need to transport the PTFE micropowders to a different facility for treatment in order to reduce the concentration of PFOA and its salts to comply with the UTC limit of 0,025 mg/kg. Therefore, the current specific UTC limit of 1 mg/kg should be maintained to cover manufacture, placing on the market and use of PFOA and its salts in PTFE micropowders only for the purpose of transport and treatment of PTFE micropowders to reduce the PFOA concentration.
- **PFOA-related compounds** are present as an impurity in **transported isolated intermediates** used in the manufacturing of fluorochemicals with a perfluorocarbon chain length equal to or shorter than six atoms. To allow the manufacture and use of such transported isolated intermediates, Regulation (EU) 2019/1021 sets a UTC limit of 20 mg/kg, to be reviewed no later than 5 July 2022. ECHA's opinion concluded that the present UTC level is the lowest that can be complied with, taking into account the available technological solutions. Therefore, the review of the UTC limit should be postponed.
- The review of the UTC for **PFOA-related compounds in intermediates used for the production of C6 alternatives** under Regulation (EU) 2019/1021 should be modified to align it with the review foreseen in the restriction for C9-C14 PFCAs under Regulation (EC) No 1907/2006.
- Annex I to Regulation (EU) 2019/1021 includes an exemption for the use of PFOA, its salts and PFOA-related compounds in the manufacture of PTFE and polyvinylidene fluoride (PVDF) for the production of several products. During the public consultation for the preparation of ECHA's opinion, fluoropolymers producers commented that **PFOA, its salts and PFOA-related compounds** are no longer used **for the manufacture of PTFE and PVDF** in the Union. Based on this information, that specific exemption is **no longer needed** and should therefore be deleted.
- The **application** of this Regulation should be **deferred (90 days** after the date of entry into force) to provide the concerned stakeholders with sufficient time to adapt to the new requirements.

The draft amendment was discussed at the POP CA meeting on 23 November 2021 and comments were taken into account. **My proposal is therefore not to object the adoption of the DA.**

Groeten,
[redacted]

De : [REDACTED]@consilium.europa.eu <[REDACTED]@consilium.europa.eu>

Envoyé : mercredi 1 mars 2023 16:55

À : [REDACTED]

Objet : Delegated act: ST 6869 2023 INIT "DA-Delegated Regulation amending Regulation 2019/1021 as regards PFOA and PFOA-related compound" - deadline 27/03/2023



Council of the
European Union

DELEGATES PORTAL

Notification

Launch of consultation on a delegated act
Deadline for reaction: 27/03/2023

Dear Delegate,

On **24/02/2023**, the General Secretariat of the Council acknowledged receipt, in accordance with the procedure set out in Article 290 TFEU, of the following delegated act:

"COMMISSION DELEGATED REGULATION (EU) .../... of 24.2.2023 amending Regulation (EU) 2019/1021 of the European Parliament and of the Council as regards perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds".

The period for objection to the delegated act is: **2 month(s)**.

As a result, the Council has until **25/04/2023** to object to the above act should it choose to do so.

You are kindly invited to examine the delegated act and inform the General Secretariat of the Council from Delegates Portal by **27/03/2023** at the latest if your delegation intends to object to this delegated act or to request an extension of the period for objection. You can also submit comments if you so wish.

Click [here](#) to view the details of the delegated act in question.

Document to be checked 6869/23 + ADD 1

Best regards,
Environment and climate change

This is an automated email from Delegates Portal. Do not reply to this email. In case of any question, please don't hesitate to contact the General Secretariat of the Council.